IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1671 OF 2004.

Ashfaq Ahmad Zahinuddin Bhukhari & Anr. ..Petitioners.
V/s
The State of Maharashtra & Anr. ..Respondents.

Mr. Diwakar Dwiedi, for the petitioners.
Mrs. A.S. Pai, APP for the State-respondent No.1.
Mr. R.A. Shaikh for respondent No.2.

CORAM : R.M.S.KHANDEPARKAR AND
SMT. V.K. TAHILRAMANI, JJ.

DATE : 24TH JULY , 2007.

P.C.

. Heard Mr.Diwedi, learned Counsel for the petitioners and Mrs. Pai, learned APP for the State-respondent No.1 and Mr. Shaikh, learned Counsel for the respondent No.2.

2. The petitioners challange the FIR No. 76/2004 registered on 26th February, 2004 at Andheri Police Station on the ground that subsequent to the filing of the charge-sheet the parties arrived at amicable settlement. The contentions about the amicable settlement is seriously disputed on behalf of the respondents and the affidavit-in-reply filed by the respondent No.2 has categorically stated that she was

compelled to accept the divorce. Consequently even settlement prima facie does not appear to be voluntarily arrived at. In any case, even assuming that the settlement being subsequent to the filing of the F.I.R., considering the nature of the offence disclosed from the facts narrated in the complaint, it cannot be said that the complaint does not disclose the cognizable offence. The F.I.R. apparently disclose the cognizable offence, and therefore, the question of quashing of it does not arise. Hence the petition is rejected.

(R.M.S. KHANDEPARKAR, J.)

(SMT. V.K.TAHILRAMANI,J.)